

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**USDC-SDNY
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DATE FILED: 02/09/2016**

FLORENTINO MELGADEJO, *et al.*,

Plaintiffs,

v.

S&D FRUITS & VEGETABLES INC., *et al.*,

Defendants.

No. 12-CV-6852 (RA)

OPINION ADOPTING
REPORT & RECOMMENDATION

RONNIE ABRAMS, United States District Judge:

Plaintiffs initiated this collective action pursuant to the Fair Labor Standards Act (“FLSA”) and New York Labor Law (“NYLL”) on September 11, 2012. *See* Dkt. 1. On February 21, 2014, the Court entered a default judgment against all Defendants for failure to appear in this action. *See* Dkt. 64. The same day, the Court referred this case to Magistrate Judge Pitman to conduct an inquest regarding the proper scope of Plaintiffs’ damages. *See* Dkt. 65. On October 23, 2015, Judge Pitman issued a detailed, 90-page Report & Recommendation (the “Report”) describing the various categories of damages to which each of the nine individual Plaintiffs are entitled and calculating those damages as to each of the three separate Defendants. *See* Dkt. 74. The Court has received no objections to the Report, and hereby adopts it in its entirety.

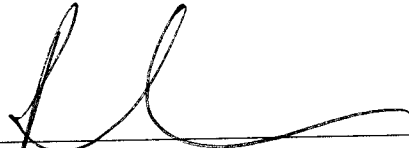
A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may object to a magistrate judge’s recommended findings “[w]ithin 14 days after being served with a copy of the recommended disposition.” Fed. R. Civ. P. 72(b)(2). “When the parties make no objections to the Report, the Court may adopt the Report if ‘there is no clear error on the face of the record.’” *Smith*

v. *Corizon Health Services*, No. 14-CV-8839 (GBD), 2015 WL 6123563, at *1 (S.D.N.Y. Oct. 16, 2015) (quoting *Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005)).

The Court has reviewed the Report for clear error and found none. Accordingly, the Court adopts the Report. Plaintiffs shall submit a proposed judgment to the Court no later than February 19, 2016.

SO ORDERED.

Dated: February 9, 2016
New York, New York



Ronnie Abrams
United States District Judge